

**REMARKS**

Applicants respectfully submit that all the claims presently on file are in condition for allowance, which action is earnestly solicited.

**THE CLAIMS**

**CLAIM OBJECTION**

Claim 12 was objected to for containing an informality. This informality has now been addressed.

**CLAIMS REJECTION UNDER 35 U.S.C. 102**

**A. The Rejection**

Claims 1, 4, and 17 were rejected under 35 U.S.C. 102(b) as being anticipated by Hatfield et al. (US 6,243,076), hereinafter referred to as "Hatfield". Applicants respectfully submit that Hatfield does not disclose all the elements and limitations of the claims on file, as now amended. Consequently, the instant claims are not anticipated under 35 U.S.C. 102, and the allowance of the claims is earnestly solicited. In support of this position, Applicants submit the following arguments:

### **B. Legal Standard for Lack of Novelty (Anticipation)**

The standard for lack of novelty, that is, for "anticipation," is one of strict identity. To anticipate a claim for a patent, a single prior source must contain all its essential elements, and the burden of proving such anticipation is on the party making such assertion of anticipation. Anticipation cannot be shown by combining more than one reference to show the elements of the claimed invention. The amount of newness and usefulness need only be minuscule to avoid a finding of lack of novelty.

The following are two court opinions in support of Applicant's position of non anticipation, with emphasis added for clarity purposes:

- "Anticipation under Section 102 can be found only if a reference shows exactly what is claimed; where there are differences between the reference disclosures and the claim, a rejection must be based on obviousness under Section 103." *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 USPQ 773 (Fed. Cir. 1985).
- "Absence from a cited reference of any element of a claim of a patent negates anticipation of that claim by the reference." *Kloster Speedsteel AB v. Crucible Inc.*, 793 F.2d 1565, 230 USPQ 81 (Fed. Cir. 1986), on rehearing, 231 USPQ 160 (Fed. Cir. 1986).

### **C. Application of the Legal Standard of Novelty**

Applicants respectfully submit that the independent claims 1, 4, and 17 have been amended to recite, in general terms, the limitations of claims 2, 3 and 4. As a result, the rejection of claims 1 and 17 (claim 4 having been canceled) will also be analyzed in term of the rejection of claims 2, 3, and 4.

Applicants agree with the Examiner that: "As to dependent claim 2 ... Hatifield et al. ... does not specifically mention expanding the portion of the output," and that: "As to dependent claim 3 ... Hatifield et al. ... does not specifically mention contracting the portion of the output."

In view of the strict standard of anticipation, the anticipation rejection has become moot since claims 1 and 17 admittedly recite features that are not described by Hatifield. Therefore, claims 1 and 17 and the claims dependent thereon are allowable. Independent claim 20 is allowable for containing a generally similar subject matter to that of claims 1 and 17. Therefore, claim 20 and the claims dependent thereon, including new claims 21, 22, are also allowable.

#### **CLAIMS REJECTION UNDER 35 U.S.C. 103**

##### **A. The Rejection**

Claims 2, 3, 5 - 16, and 18 - 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hatifield, *supra*, in view of Tognazzini et al. (Patent No. 5,886,683), hereinafter referred to as "Tognazzini". Applicants respectfully traverse this rejection and submit that none of the cited references discloses the elements and features of the claims on file as a whole, whether considered individually or in combination with each other.

**B. Application of the Legal Standard of Obviousness**

Applicants will now present arguments in support of the allowance of representative independent claim 1, and the claims dependent thereon, over Hatfield.

Applicants respectfully reiterate that Hatfield does not specifically teach expanding the portion of the output or contracting the portion of the output as recited in the representative claim 1. More specifically, Hatfield does not describe the following features of claim 1:

“wherein modifying the portion of the output comprises selectively expanding a target object region in the portion of the output; and

wherein modifying the portion of the output further comprises selectively contracting a region surrounding the target object region in the portion of the output, to compensate for the expanded target object region.”

As explained in the present specification, such expansion of the target object region and the contraction of the surrounding region, minimizes the distortion of the overall output, but concurrently allows an improved view of the target object.

As a result, Hatfield does not disclose the present invention as a whole. Similarly to Hatfield, Tognazzini does not disclose the foregoing two steps and thus it does not disclose the present invention as a whole. In addition, Tognazzini does not recite the remaining elements of representative claim 1, and in particular it does not recite the following step of claim 1:

"wherein the portion of the output is modified upon detecting the coincidence of the user's eye movement and the input indicator trajectory in the direction of the target object".

Therefore, the cited references, whether considered individually or in combination with each other do not describe the present invention as a whole. Reference is made to the following legal authority in support of the finding of non-obviousness:

**"In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious.** The prior art perceived a need for mechanisms to dampen resonance, whereas the Inventor eliminated the need for dampening via the one-piece gapless support structure. "Because that insight was contrary to the understandings and expectations of the art, the structure effectuating it would not have been obvious to those skilled in the art." 713 F.2d at 785, 218 USPQ at 700."

In addition, claim 4 was not rejected under 35 U.S.C. 103, and since the independent claims 1, 17, and 20 have been amended to recite the limitation of claim 4, these claims and the claims dependent thereon are allowable.

As a result, claims 1, 17, and 20 are not obvious in view of Hatfield and Tognazzini and the allowance of this claim and the claims dependent thereon is earnestly solicited.

**CONCLUSION**

All the claims presently on file in the present application are in condition for immediate allowance, and such action is respectfully requested. If it is felt for any reason that direct communication would serve to advance prosecution of this case to finality, the Examiner is invited to call the undersigned at the below-listed telephone number.

Respectfully submitted,

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